

THIS IS A CAPITAL CASE

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

DAMIEN WAYNE ECHOLS,)	Case No. 5:04CV00391-WRW
)	
Petitioner,)	
)	
vs.)	
)	
LARRY NORRIS, Director,)	
Arkansas Department of Corrections,)	
)	
Respondent.)	

**PETITIONER'S DECEMBER, 2008 REPORT RE:
STATUS OF STATE COURT PROCEEDINGS**

DENNIS P. RIORDAN
(CA SBN 69320)
DONALD M. HORGAN
(CA SBN 121547)
THERESA GIBBONS
(CA SBN 191633)
523 Octavia Street
San Francisco, CA 94102
Telephone: (415) 431-3472

DEBORAH R. SALLINGS
(AR SBN 80127)
35715 Sample Road
Roland, AR 72135
Telephone: (501) 330-2686
(Local Counsel)

GERALD SKAHAN
(TN DB 15024)
Luchessi & Skahan
202 Adams Avenue
Memphis, TN 38103
Telephone: (901) 526-6476

Attorneys for Petitioner
DAMIEN WAYNE ECHOLS

Pursuant to this Court's Letter Order issued on November 21, 2007, petitioner Damien Echols hereby reports the following concerning the status of state court proceedings relating to this matter:

As stated in petitioner's September, 2008, status report, on September 10, 2008, the Craighead County Circuit Court issued written orders denying, without an evidentiary hearing, the motions for post-conviction relief which were filed by petitioner Echols and his co-petitioners, Jason Baldwin and Jesse Misskelley, pursuant to Ark. Code § 16-112-201, et seq. (i.e., based on new scientific evidence).

Petitioner Echols filed a notice of appeal from the ruling denying his motion under Ark. Code § 16-112-201, et seq. on or about September 26, 2008. His co-petitioners have likewise appealed from the rulings issued in response to their motions under such code sections.

Petitioner is awaiting completion of the state court record on appeal, following which he will adhere to the briefing schedule established by the Arkansas Supreme Court.

Finally, petitioner is informed and believes that the previously-commenced evidentiary hearing on other motions for post-conviction relief pursued by petitioners Baldwin and Misskelley on grounds not available to petitioner Echols is presently scheduled to continue on January 28, 2009.

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Petitioner Echols will inform this Court of further developments in the relevant state court proceedings in his January, 2009 status report to this Court.

DATED: December 19, 2008

Respectfully submitted,

DENNIS P. RIORDAN
DONALD M. HORGAN

By /s/ Dennis P. Riordan
DENNIS P. RIORDAN
Cal. SBN 69320

By /s/ Donald M. Horgan
DONALD M. HORGAN
Cal. SBN 121547

RIORDAN & HORGAN
523 Octavia Street
San Francisco, CA 94102
(415) 431-3472

Attorneys for Petitioner
DAMIEN WAYNE ECHOLS

PROOF OF SERVICE BY MAIL

Re: Damien Wayne Echols v. Larry Norris, Director No. 04CV00391 HLJ

I am a citizen of the United States; my business address is 523 Octavia Street, San Francisco, California 94102. I am employed in the City and County of San Francisco, where this mailing occurs; I am over the age of eighteen years and not a party to the within cause. I served the within:

**PETITIONER'S OCTOBER, 2008 REPORT RE:
STATUS OF STATE COURT PROCEEDINGS**

on the following person(s) on the date set forth below, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States Post Office mail box at San Francisco, California, addressed as follows:

Brent P. Gasper
Arkansas Attorney General's Office
323 Center Street, Suite 200
Little Rock, AR 72201-2610

Brent Davis
Prosecuting Attorney
P.O. Box 491
Jonesboro, AR 72403

Lauren Elizabeth Heil
Arkansas Attorney General's Office
323 Center Street, Suite 200
Little Rock, AR 72201-2610

[x] BY MAIL: By depositing said envelope, with postage (certified mail, return receipt requested) thereon fully prepaid, in the United States mail in San Francisco, California, addressed to said party(ies);

I certify or declare under penalty of perjury that the foregoing is true and correct. Executed on December 19, 2008 at San Francisco, California.

/s/ Jocilene Yue
Jocilene Yue